

California Regional Water Quality Control Board
Santa Ana Region

July 14, 2006

STAFF REPORT

ITEM: * 11

SUBJECT: Resolution No. R8-2006-0050, adopting Regional Board Approval of Public Health Hazard Declarations by the Riverside County Board of Supervisors and the City of Perris for the area known as Enchanted Heights

DISCUSSION:

In 2004, the Eastern Municipal Water District (EMWD) submitted a Small Community Wastewater Grant application for a grant to help finance construction of a sewer system to replace failed septic systems throughout the community of Enchanted Heights. Enchanted Heights is a low-income community located partly within the western limits of the City of Perris and partly within an unincorporated area of Riverside County. The community was developed in the 1960's and currently consists of 466 manufactured homes, all serviced by septic systems. Residences in the Enchanted Heights area were built on granitic terrain with shallow soils and numerous bedrock outcrops. As a result of these conditions, the age of the systems and groundwater conditions, on-site subsurface disposal systems serving these residences have a history of malfunctioning. The County of Riverside has extensive documentation of an unacceptable number of failures of these systems. The EMWD application indicated that effluent from these local wastewater disposal systems encounters bedrock and either saturates the soil to the ground surface or flows along bedrock to seep elsewhere, surfacing and often flowing into streets and posing a public health hazard. This situation is made worse by some residents discharging "gray water" on the ground, as a way of reducing the load on their domestic wastewater disposal systems. Drainage from the area flows through the San Jacinto River to Canyon Lake, which is included on the Clean Water Act Section 303(d) list of impaired waters due to excessive levels of bacteria, nitrogen and phosphorus, all of which are present in septic system effluent. Undeveloped lots in the community cannot meet the criteria for on-site disposal systems, effectively preventing further development.

The Small Community Wastewater Grant (SCWG) Program was created by the State Water Resources Control Board to assist small, financially disadvantaged communities to correct sanitation problems affecting water quality and public health. The SCWG program is funded from such sources as Proposition 40 and 50 bonds and funding is distributed as grants to public agencies that will improve wastewater collection and/or treatment in these communities. The SWRCB has published extensive guidelines for the administration of the SCWG program, including project classification and ranking.

The SCWG Program assigns eligible projects to one of three classifications (A, B, and C). Projects in Class A and B are equally competitive for grant funding because they have met established criteria, while Class C contains candidate projects that are considered noncompetitive because they do not meet Class A or B criteria. Class C projects can be promoted to Class A or B once specified classification criteria are met. Project ranking occurs within each classification according to criteria contained in the program guidelines.

The criteria for Class A stipulate that:

“Class A – Existing or Potential Public Health Problems

Treatment plant or new collection system projects required to alleviate existing or potential public health hazards where:

1. Unsewered Areas

- a) The County Board of Supervisors or the County Health Officer has issued a declaration that there is a potential or existing public health hazard in the small community involved; and
- b) A resolution (local moratorium) is adopted by the authorized governing body requiring hook-up of existing residences and businesses to the public wastewater system when it is available, prohibiting the construction and use of new septic tanks in the existing or potential health hazard area, and providing final authority to the Regional Board for approving any exemptions; and
- c) The Regional Board adopts a resolution approving the health hazard declaration and the local moratorium.
- d) A Regional Board prohibition is acceptable in lieu of b and c above.”

The criteria for Class B are similar, but require a local resolution recognizing a “water pollution problem” so that a time schedule for compliance can be adopted by either the local agency or under a permit issued by the Regional Board.

In keeping with SCWG guidelines, the 2004 EMWD application was assigned to Class C because, at the time the application was submitted, local health hazards for Enchanted Heights had not been formally declared by the local jurisdictions. Consequently, to promote the project’s eligibility and competitiveness to a fundable class, the EMWD requested both the Riverside County Board of Supervisors and the City of Perris to declare a potential or existing public health hazard and a septic system moratorium for their jurisdictional portions of Enchanted Heights. The County of Riverside Board of Supervisors passed Resolution No. 2005-300 on May 31, 2005, and the City of Perris City Council passed Resolution No. 3494 on September 27, 2005, each resolution establishing a “potential health hazard” and a septic system moratorium (see Attachments A and B, respectively).

The third requirement for reclassifying the EMWD application to Class A status is that the Regional Board must adopt a resolution approving the respective resolutions of the County and City. Regional Board staff has found that each declaration of the potential public health hazard and a local moratorium satisfies the SCWG guidelines. Therefore, Regional Board staff has prepared Regional Board Resolution No. R8-2006-0050, approving County of Riverside Resolution No. 2005-300 and City of Perris Resolution No. 3494, for the purpose of qualifying EMWD's Enchanted Heights sewer project for consideration as a Class A SCWG Program project. This Resolution does not constitute a Regional Board prohibition on septic systems in Enchanted Heights, in the manner that a Regional Board prohibition is currently in preparation for the Quail Valley area of Riverside County. The intent of the proposed Resolution is to assure that EMWD's proposed sewer project can be funded and implemented in a timely manner to address the water quality and public health threat posed by the ongoing use of septic systems in the Enchanted Heights area.

RECOMMENDATION:

Adopt Resolution No. R8-2006-0050 as presented.

Attachments (2)

- A. County of Riverside Resolution No. 2005-300
- B. City of Perris Resolution No. 3494

Attachment A
County of Riverside

RESOLUTION NO. 2005-300

**A RESOLUTION OF THE COUNTY OF RIVERSIDE ESTABLISHING A SEPTIC
TANK PROHIBITION FOR THE COMMUNITY OF ENCHANTED HEIGHTS**

Whereas, the proper disposal of sewage waste as generated in homes and business is essential to protect the health and welfare of the residents and visitors to the County; and

Whereas, there are many areas of the County in which Sanitary Sewer is not available, and homes and business must rely on on-site disposal (septic) systems; and

Whereas, the Enchanted Heights Community was developed in the 1960's with individual septic systems and now experiences an unacceptable number of on-site disposal system failures due to age of the systems, small lot sizes and current groundwater conditions.

Whereas, these failures lead to the discharge of untreated sewage to the surface of the ground, mixing with other run-off water that directly impacts the residents of the community and can pollute the runoff water during rain events; and

Whereas, storm water runoff from this area drains through the San Jacinto River to Canyon Lake which is listed by the USEPA as an impaired water body due to excessive concentrations of bacteria, Nitrogen and Phosphorus, all of which are present in septic wastes, and

Whereas, the undeveloped lots in the community cannot meet criteria for on-site disposal systems, effectively preventing further development; and

Whereas, the Eastern Municipal Water District has completed a feasibility study for a gravity sewer system that will transport the wastewater to an existing treatment facility; and

NOW, THEREFORE, BE IT DECLARED by the Board of Supervisors of the County of Riverside assembled in regular session on June 28 2005 in light of the above findings that a potential health hazard exists in the Enchanted Heights Community due to the lack of an effective sewer system.

BE IT FURTHER RESOLVED, DETERMINED AND ORDERED by the Board of Supervisors that a Septic Tank Moratorium is hereby established within the Enchanted Heights Community as described in Section 2 below.

1 **SECTION 1. RECITALS** The Board of Supervisors hereby finds and determines that
2 all the above recitals are true and correct.

3 **SECTION 2. AREA**

4 For purposes of this Resolution, the Enchanted Heights Community is the
5 unincorporated area on the western edge of the City of Perris enclosed by Lukens Lane
6 on the west and the Perris City limits on the north, east and south.

7 **SECTION 3. PROHIBITION**

8 A. No new septic systems shall be approved or installed for any lot or parcel within
9 the Enchanted Heights Community after the date of the effective date of this
10 Resolution.

11 B. No existing system shall be expanded or otherwise modified to accommodate new
12 construction and or additional wastewater generating fixtures or appliances.

13 **SECTION 4. EXCEPTIONS**

14 A. The Santa Ana Regional Water Quality Control Board shall have the final authority
15 for approving any and all exemptions.

16 B. In the event that an existing system requires replacement or repair, such
17 replacement may be approved and installed, subject to the existing requirements of
18 Riverside County Ordinance No. 650.

19 C. If and when a decision is formally made to provide sewer service to the area, a
20 holding tank may be provided as a substitute for replacement of an existing system
21 subject to the conditions in Riverside County Ordinance No. 650.

22 **SECTION 5. MANDATORY CONNECTION TO SEWER**

23 All existing households and businesses within the Enchanted Heights area as defined
24 shall connect to the sewer within 24 months of its completion.

25 **SECTION 6. REQUIREMENT FOR COMPLIANCE**

26 Non-compliance with this Resolution shall be deemed a violation of Ordinance 650.

27 **SECTION 7. EFFECTIVE DATE**

28 This Resolution shall take effect on ~~June 28~~, 2005.

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



FROM: SUPERVISOR MARION ASHLEY

SUBMITTAL DATE: May 30, 2005

SUBJECT: A RESOLUTION OF THE COUNTY OF RIVERSIDE DECLARING A POTENTIAL PUBLIC HEALTH HAZARD AND ESTABLISHING A SEPTIC TANK PROHIBITION FOR THE COMMUNITY OF ENCHANTED HEIGHTS

RECOMMENDED MOTION:

1. Introduce and set for public hearing (Clerk to advertise) Resolution No. 2005-300 declaring a Potential Public Health Hazard and establishing a Septic Tank Prohibition for the Community of Enchanted Heights.
2. At the close of the public hearing approve Resolution No. 2005-300.

BACKGROUND:

The Enchanted Heights community is located at the western edge of the City of Perris and includes both City and unincorporated area. It consists of 446 manufactured homes constructed between 1960 and 1970 on lots that vary in size from 5700 square feet to ½ acre, all of which are serviced by septic systems. 224 of these lots lie in the unincorporated portion of this community. Due to poor soil conditions and high groundwater there numerous failures, especially during wet seasons. A number of lots remain undeveloped due to the soil conditions.

The Eastern Municipal Water District has performed a feasibility study to provide a gravity sewer system to transport the wastewater to an existing treatment facility, estimating the cost at \$4,200,000. By declaring a potential health hazard and instituting a moratorium on new septic systems, this sewer project becomes eligible for State and Federal grants to help defray the implementation costs.

A handwritten signature in black ink, reading "Marion Ashley", is positioned above a horizontal line.

Supervisor Marion Ashley
Fifth District

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Stone, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above resolution is scheduled for public hearing on Tuesday, June 28, 2005 at 9:30 a.m.

Ayes: Buster, Tavaglione, Stone, Wilson and Ashley
Nays: None
Absent: None
Date: June 7, 2005
xc: Supv. Ashley, COB(2)
MA

Nancy Romero
Clerk of the Board
By *Shlemmer*
Deputy

Attachment B
City of Perris

RESOLUTION NUMBER 3494

***A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PERRIS, COUNTY OF RIVERSIDE, STATE OF
CALIFORNIA, DECLARING A POTENTIAL HEALTH
HAZARD AND ESTABLISHING A SEPTIC TANK
PROHIBITION FOR THE COMMUNITY OF ENCHANTED
HEIGHTS***

WHEREAS, the proper disposal of sewage waste as generated in homes and business is essential to protect the health and welfare of the residents and visitors to the City; and

WHEREAS, there are many areas of the City in which Sanitary Sewer was not available, and homes and business were constructed with on-site disposal (septic) systems; and

WHEREAS, the Enchanted Heights Community was developed in the 1960's with individual septic systems and now experiences an unacceptable number of on-site disposal system failures due to age of the systems, small lot sizes and current groundwater conditions; and

WHEREAS, these failures lead to the discharge of untreated sewage to the surface of the ground, mixing with other run-off water that directly impacts the residents of the community and can pollute the runoff water during rain events; and

WHEREAS, storm water runoff from this area drains to the San Jacinto River and from there into Canyon Lake, which is listed by the USEPA as an impaired water body due to excessive concentrations of bacteria, nitrogen and phosphorus, all of which are present in septic wastes; and

WHEREAS, the undeveloped lots in the community cannot meet criteria for on-site disposal systems, effectively preventing further development; and

WHEREAS, the Eastern Municipal Water District has completed a feasibility study for a gravity sewer system that will transport the wastewater to an existing treatment facility;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Perris, California, as follows:

In light of the above findings that potential health hazards exist in the Enchanted Heights Community due to the lack of an effective sewer system, a Septic Tank Moratorium is hereby established within the Enchanted Heights Community as described in Section 2 below:

Section 1. RECITALS. The Perris City Council hereby finds and determines that all the above recitals are true and correct.

Section 2. AREA. For purposes of this Resolution, the Enchanted Heights Community is the incorporated area on the western edge of the City of Perris enclosed by Metz Road to the north, the Perris City Limits to the west, Graham Street to the east, and San Jacinto Avenue to the south (map attached).

Section 3. PROHIBITION.

- A. No new septic systems shall be approved or installed for any lot or parcel within the Enchanted Heights Community after the date of the effective date of this resolution.
- B. No existing system shall be expanded or otherwise modified to accommodate new construction and/or additional wastewater generating fixtures of appliances.

Section 4. EXCEPTIONS.


- A. The Santa Ana Regional Water Quality Control Board shall have the final authority for approving any and all exemptions.
- B. In the event that an existing system requires replacement or repair, such replacement may be approved and installed, subject to the existing requirements of Riverside County Ordinance No. 650.
- C. If and when a decision is formally made to provide sewer service to the area, a holding tank may be provided as a substitute for replacement of an existing system subject to the conditions in Riverside County Ordinance No. 650.

Section 5. MANDATORY CONNECTION TO SEWER. All existing households and businesses within the Enchanted Heights area as defined shall connect to the sewer within 24 months of its completion.

Section 6. REQUIREMENT FOR COMPLIANCE. Non-compliance with this Resolution shall be deemed a violation of Riverside County Ordinance 650.

Section 7. The Mayor shall sign this Resolution and the City Clerk shall certify to the adoption of this Resolution.

ADOPTED, SIGNED and **APPROVED** this 27th day of September, 2005.



Mayor, Daryl R. Busch

ATTEST:



City Clerk, Margaret Rey

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF PERRIS)

I, Margaret Rey, CITY CLERK OF THE CITY OF PERRIS, CALIFORNIA, DO HEREBY CERTIFY that the foregoing Resolution Number 3494 was duly and regularly adopted by the City Council of the City of Perris at a regular meeting thereof held the 27th day of September, 2005, and that it was so adopted by the following called vote:

AYES: Yarbrough, Landers, Motte, Rogers, Busch
NOES:
ABSENT:
ABSTAIN:


City Clerk, Margaret Rey

**CITY COUNCIL
AGENDA SUBMITTAL**

Meeting Date: September 27, 2005

SUBJECT: Septic Tank Resolution. Consideration of a Resolution declaring a potential public health hazard and establishing a septic tank prohibition in the Enchanted Heights community.

REQUESTED ACTION: ADOPT Resolution No. ____ adopting a septic tank prohibition in the Enchanted Heights community.

CONTACT:  Olivia Barnes, Director of Community Development

BACKGROUND/DISCUSSION:

The Enchanted Heights community is located on the western edge of the City, within both the City of Perris and unincorporated Riverside County (see Location Map, attached to draft Resolution). It consists of 446 manufactured homes, all of which are serviced by septic systems. Roughly half of the Enchanted Heights community (222 units) is located in the City of Perris.

Due to poor soil conditions and high ground water, the septic systems often fail during the wet seasons. These failures lead to the discharge of untreated sewage to the surface of the ground, mixing with other run-off water that directly impacts the residents of the community and can pollute the runoff water during rain events. Additionally, some residents have resorted to discharging their grey water to the street. Such conditions pose a documented health concern.

To address this issue, the Eastern Municipal Water District has completed a feasibility study for a gravity sewer system that will transport the wastewater to an existing treatment facility. The cost of the facilities is estimated at \$4,200,000. The attached Resolution would declare a public health hazard and institute a moratorium on new septic systems, thereby making the sewer project eligible for State and federal grants to help defray the implementation costs.

The draft Resolution would affect those properties located within the City of Perris. It will allow EMWD the authorization to utilize the grand funds for properties located in the City Of Perris. A similar Resolution was adopted by Riverside County on May 30, 2005.

FISCAL IMPACT:

The cost of preparing this item is provided in the current budget.

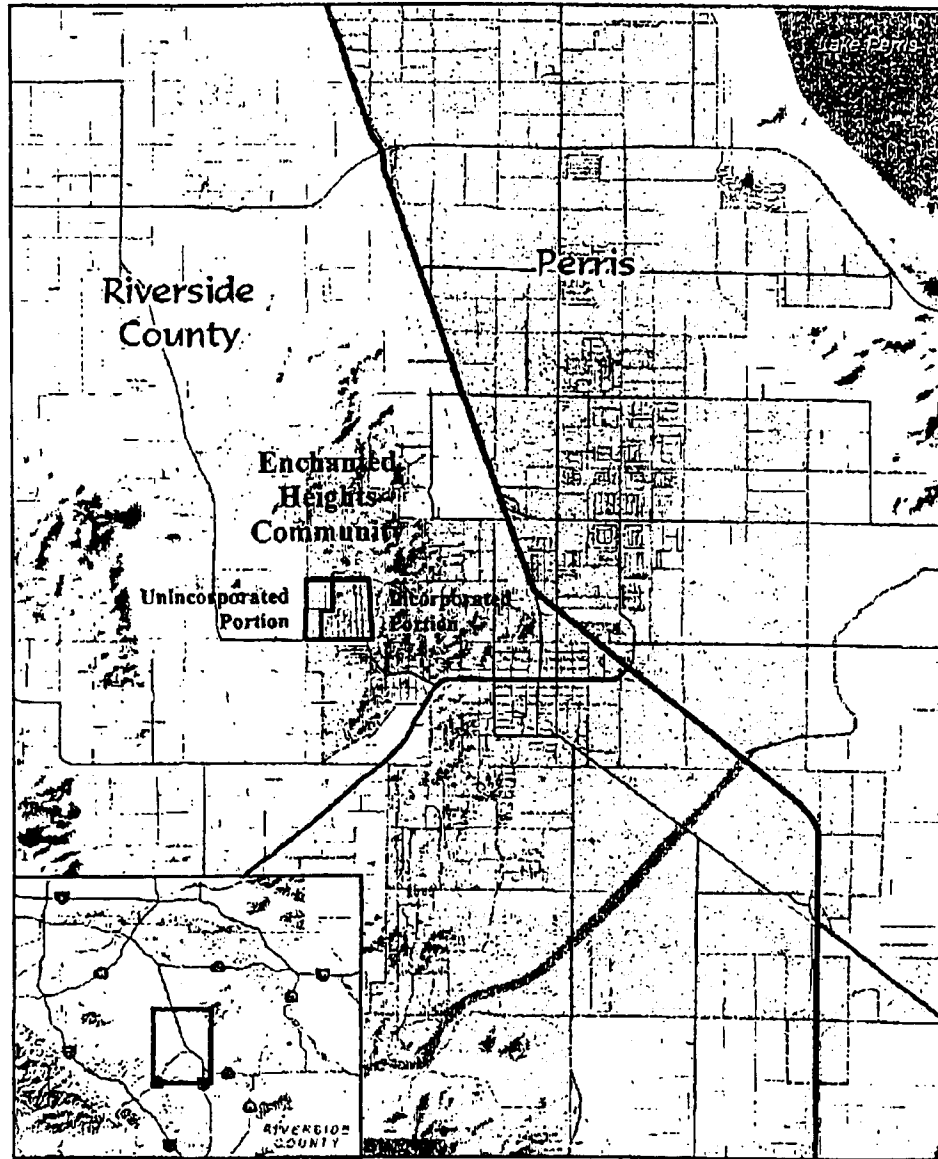
PREPARED BY: Brad Eckhardt, Associate Planner
REVIEWED BY: Olivia Barnes, Director of Community Development

City Attorney: n/a
Finance Director:  Ron Carr 
Attachments: Resolution Adopting a Septic Tank Resolution
Location Map

Consent: September 27, 2005
Public Hearing:
Business Item:
Workshop:

**CITY OF PERRIS
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING DIVISION**

EXHIBIT: Location Map



LOCATION: For purposes of this Resolution, the Enchanted Heights Community is the incorporated area on the western edge of the City of Perris enclosed by Metz Road to the north, the Perris City Limits to the west, Graham Street to the east, and San Jacinto Avenue to the south (as illustrated above).



**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION**

RESOLUTION NO. R8-2006-0050

Regional Board Approval of Public Health Hazard Declarations and
Septic System Moratoria
by the Riverside County Board of Supervisors and the City of Perris
for the area known as Enchanted Heights

WHEREAS,

The County of Riverside has documented wide-spread failures of on-site, subsurface disposal (septic) systems in the community known as Enchanted Heights, which is located partly within the City of Perris and partly in adjacent, unincorporated County of Riverside, and has concluded that these failures have created a potential health hazard; and

WHEREAS,

The County of Riverside Board of Supervisors passed Resolution No. 2005-300 on May 31, 2005, and the City of Perris City Council passed Resolution No. 3494 on September 27, 2005, each resolution finding that a potential health hazard exists in Enchanted Heights, as defined in the resolutions, and establishing a septic tank moratorium for their respective jurisdictional portions of Enchanted Heights that requires hook-up of existing residences and businesses to the public wastewater system when it is available, prohibits the construction and use of new septic tanks in the potential health hazard area and provides final authority to the Regional Board for approving any exemptions; and

WHEREAS,

The Small Community Wastewater Grant (SCWG) Program was created by the State Water Resources Control Board to aid small, financially disadvantaged communities in correcting public health issues related to water quality, through improvement to wastewater collection and treatment infrastructure; and

WHEREAS,

The Eastern Municipal Water District (EMWD) is seeking financial assistance through the SCWG program to install sewers in the Enchanted Heights community and abate the potential health hazard; and

WHEREAS,

The SCWG Program assigns eligible projects to one of three classifications, Class A, B, or C, wherein Class A and B projects are competitive for grant funding; and,

WHEREAS,

The guidelines for the SCWG program, in part, include the following classification criteria for Class A projects:

“Class A – Existing or Potential Public Health Problems

Treatment plant or new collection system projects required to alleviate existing or potential public health hazards where:

1. Unsewered Areas

- a. The County Board of Supervisors or the County Health Officer has issued a declaration that there is a potential or existing public health hazard in the small community involved; and
- b. A resolution (local moratorium) is adopted by the authorized governing body requiring hook-up of existing residences and businesses to the public wastewater system when it is available, prohibiting the construction and use of new septic tanks in the existing or potential health hazard area, and providing final authority to the Regional Board for approving any exemptions; and
- c. The Regional Board adopts a resolution approving the health hazard declaration and the local moratorium.
- d. A Regional Board prohibition is acceptable in lieu of b and c above.”

WHEREAS,

EWMD’s proposed Enchanted Heights sewerage project would meet the criteria for the SCWG Program’s Class A provided the above-referenced declarations of potential health hazard and septic system moratoria by the City of Perris and the County of Riverside are approved by the Regional Board; and

WHEREAS,

In order to promote reclassification of EMWD’s application to a competitive status and to assure timely implementation of a community wastewater system, it is appropriate for the Regional Board to approve the declarations of potential public health hazard and the septic system moratoria contained in the County and City resolutions.

NOW, THEREFORE, BE IT RESOLVED that the California Regional Water Quality Control Board, Santa Ana Region, approves the declarations of potential public health hazard and the septic system moratoria established in County of Riverside Resolution No. 2005-300 and City of Perris Resolution No. 3494.

CERTIFICATION

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted at the meeting of the California Regional Water Quality Control Board, Santa Ana Region, on July 14, 2006.

Gerard J. Thibeault
Executive Officer